

Remarks/Argument

This paper is submitted responsive to the office action mailed May 16, 2005. Reconsideration of the application in light of the accompanying remarks and amendments is respectfully requested.

The claims as amended include claims 1-3, 5-12, 22 and 24-26. Claims 13-21 have been withdrawn following a restriction requirement, and claims 4 and 23 have been cancelled without prejudice. No new matter has been added. The remaining claims include independent claims 1, 5, 22 and 24, each of which is submitted to be allowable over the art of record.

Turning to the aforesaid action, the Examiner has objected to claim 26 as not further limiting claim 24. Since claim 24 does not specifically recite the positioning of the compression stop, it is submitted that claim 26 does indeed further limit the claim by stating the location. Reconsideration of this objection is therefore requested.

The Examiner rejected claims 1-12 and 22-23 under 35 USC 112, second paragraph as indefinite based upon the terms "compliant" and "mechanically compliant". While it is believed that the meaning of this term is clear from the specification, the term has been removed from all claims except claim 22, which is believed to be sufficiently definite under 35 USC 112 as discussed below.

Claim 22 calls for the seal to be mechanically compliant in the in-plane and out-of-plane directions. "Mechanically compliant" means a type of compliance which is accomplished not by stretching of material, but by physical movement of components of the structure. Further, in and out of plane do refer to different dimensions of compliance of the seal. While all structures do have three dimensions as indicated by the Examiner, all structures are not mechanically moveable in both

dimensions or directions. Claim 22 calls for this structure, and is submitted to be sufficiently definite under 35 USC 112, second paragraph.

It is noted with appreciation that claim 8 was indicated as containing allowable subject matter. Claim 8 has been rewritten into independent claim 5 and contains the limitations of claims 1, 5 and 8, and has further been drafted to resolve the Examiner's concerns under 35 USC 112. It is submitted that this claim is now in condition for allowance.

The Examiner further rejected claims 1-7, 9-12 and 22-26 under 35 USC 102(b) as anticipated by US Patent Number 4,640,875 to Makiel (hereafter Makiel). Reconsideration of this holding as it relates to the claims as amended herein is respectfully requested.

Makiel teaches a rolled alumina fibrous sheet which is not gas impermeable (see column 6, line __ through Col 7 line __). Specifically, Makiel teaches that gas flow can occur through windings 75.

In contrast, the present invention utilizes a seal which is made of a continuous fiber tow wrapped into a closed-loop structure to form a substantially gas impermeable seal between opposed surfaces of adjacent fuel cell components. See each of independent claims 1, 22 and 24, each requiring the foregoing structure.

Makiel clearly fails to teach this subject matter. Specifically, Makiel clearly fails to teach the continuous fiber tow and substantial gas impermeability as claimed in the independent claims of the present application. Based upon the foregoing, it is submitted that claims 1-7, 9-12 and 22-26 all define patentably over the art of record.

An earnest and thorough attempt has been made by the undersigned to resolve outstanding issues in this case and place

Appl. No. 10/622,881
Amdt. Dated Aug. 16, 2005
Reply to Office action of May 16, 2005

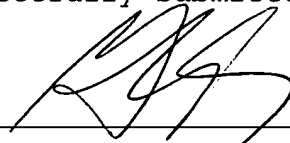
same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

It is believed that no fee is due in connection with this response. If any fee is due, please charge same to deposit account no. 02-0184.

Respectfully submitted,

By



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August 16, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on August 16, 2005.



George A. Coury